

REMARKS

In the Office Action dated November 27, 2007, claims 1-22 were presented for examination. Claims 1, 3, 8, 10, 15, 16, and 18 were objected to by the Examiner. Claims 1-5, 8-12, and 12-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Second Copy* in view of *Knight*, U.S. Patent No. 7,043,619. Claims 6, 7, 13, 14, 21, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Second Copy* in view of *Knight*, U.S. Patent No. 7,043,619, and further in view of *Whiting et al.*, U.S. Patent No. 5,778,395.

The following remarks are provided in support of the pending claims and responsive to the Office Action of November 27, 2007 for the pending application.

I. Objection to the Claims

In the Office Action dated November 27, 2007, claims 1, 3, 8, 10, 15, and 16 were objected to by the Examiner as containing informalities. Applicants have addressed the objection by amending claims 1, 3, 8, 10, 15, 16, and 18 where appropriate. Accordingly, Applicants respectfully request that the Examiner remove the objection to the claims.

II. Rejections Under 35 U.S.C. §103(a)

In the Office Action dated November 27, 2007, the Examiner assigned to the application rejected claims 1-22 under 35 U.S.C. §103(a) as being unpatentable by the combination of *Second Copy* and *Knight* and/or *Whiting et al.*

In each of the prior art rejections, the Examiner employed *Second Copy* as the primary reference. *Second Copy* is a backup software design for the Windows® operating system. It makes a backup of data files to a directory, disk, or computer across a network. Following the backup, *Second Copy* monitors the source files and keeps the backup updated with new or changed files.

In addition to *Second Copy*, each of the prior art rejections employs *Knight*, and one of

the prior art rejections employs *Whiting et al.* *Knight* pertains to a method for automatically determining a storage system configuration for a given application. The storage configuration can be determined based on information regarding existing storage capabilities and software applications. *Knight* does not teach storing backup file on systems with available disk space.

With respect to *Whiting et al.*, the Examiner employs this reference together with the combination of *Second Copy* and *Knight* to address a selection of dependent claims. It is Applicants' position that the combination of *Second Copy* and *Knight* does not teach the limitations of the respective independent claims, and as such the employment of *Whiting et al.* is moot.

The invention of Applicants pertains to backing up computer files without the need for additional hardware or software. Applicants employ a central manager to dynamically manage backups. None of *Second Copy*, *Knight*, or *Whiting et al.* teach the limitation pertaining to a central system coupled to each server and client. As reflected in the amended claims, the central system of Applicants is responsible for installing daemon applications on systems with available disk space and backup applications on systems whose files require backup. See paragraphs 0020, 0021, and 0029 of Applicants. By creating a central file, the central system dynamically coordinates the functions of backing up and restoring files.

Based upon the amendments to the claims presented herein, it is Applicants' position that the prior art combination of references fail to teach all of the claimed limitations of Applicants. Accordingly, Applicants respectfully request that the Examiner remove the rejections under 35 U.S.C. §103(a) and grant an allowance of claims 1-22.

III. Conclusion

In view of the forgoing remarks to the claims, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Applicants are not conceding in this application that those claims in their prior forms are not patentable over the art cited by the Examiner, as the present claims are only for

facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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